

**WEST BENTON REGIONAL FIRE AUTHORITY
TUESDAY SEPTEMBER 13TH, 2021
WBRFA HEADQUARTERS STATION 310**

CALL TO ORDER AND FLAG SALUTE

Chairman Clizbe called to order the September 13th, 2021, West Benton Regional Fire Authority special meeting at 6:00pm and he then led the participants in the Pledge of Allegiance.

ROLL CALL

Present: Commissioners Richard Clizbe, Shane Williams, Dewey Holliday, and David Moon.
Commissioner Lisa Galbraith attended virtually via Zoom.

Others in attendance: Fire Chief Seth Johnson and Administrator Gayle Carrasco were also present.

Public Audience: West Benton Volunteer Fire Fighters/EMT's: Sydney Ayala and Joe Castillo. Kevin Wesley via Zoom.

SPECIAL MEETING AGENDA

Actions were none.

PUBLIC COMMENTS

No Public Comments.

EXECUTIVE SESSION

- R. Clizbe stated there was a need to break into Executive Session per 42.30.140. The board agreed to break from the regular meeting at 6:01 p.m. to hold an executive session 1 hour. The board ended the Executive Session and resumed the special board meeting at 7:01 p.m. No actions taken.

SPECIAL BUSINESS

- Chairman R. Clizbe stated there was a need to address the WASHINGTON READY Covid-19 vaccine mandate due to the amount of public interest and public comments made at the last regular board meeting. Chairman Clizbe asked the board to review Fire Chief's Covid19 vaccine mandate letter that was issued the department staff. R. Clizbe stated he has reviewed Chief Johnson's letter and stated his view of the letter as being well written. Even though the letter upset others. R. Clizbe requests input from the board and Chief Johnson. Referring to the vaccine mandate memo R. Clizbe expresses a possible need to review or amend the departments job descriptions for Volunteer Fire Fighters and EMT's. Chairman Clizbe asks the board if mandating unvaccinated staff to have a weekly Covid-19 test disregard if the volunteer is providing patient care or not. Masks is mandatory inside the facility or when responding to calls. The negatives and downside to mandate Covid-19 testing was brought up by R. Clizbe. Would the department hold the unvaccinated staff person responsible to conduct their own testing? A discussion followed with the costs breaks for the department conducting the testing. Chief Johnson stated at this time the Covid-19 testing has no cost. R. Clizbe reminded the board this discussion were thoughts to resolve issues on the Covid-19 vaccine mandate. The board discussed the length of them to considers the emergency mandate would remain in effect. Chairman Clizbe stated he sees no light to ending the emergency mandate. Commissioner Holliday requested to clarify that if a Fire Fighter or EMT were to be involved with patient care then that person must be vaccinated. The board agreed to the statement of Kevin Wesley and that a mandate requirement must be notified to the department staff in writing. A Volunteer staff member that has chosen not to get vaccinated are not allowed to have patient contact or allowed to provide patient care. D. Moon stated his understanding was that statement was for

the full time Firefighters. It was D. Moon's understanding that for a Volunteer Firefighter's there would have to be reasonable accommodation, the testing, the masking, the taking of one's temperature, this was an attempt to make the public safe. D. Holliday then gave his interpretation of the Governor's vaccine mandate. D. Moon reiterated to mandate everyone with Covid-19 testing, temperature checks, and masking. This posed questions on the need to separate volunteers without the Covid-19 vaccine into a firefighter only status. Commissioner Williams stated it was not his intentions or hopes to lose any volunteers, however the board must abide by the vaccine mandate whether they agree with it or not. S. Williams pointed out the potential liabilities as an agency and as commissioners. As a board they will need to weigh in the risks and the benefits. With the amount of time reviewing the vaccine mandate and the discussions held S. Williams determines the contention remains around the request for exemptions. The staff would need to initiate that process and then accommodations will be reviewed and if the board can determine a reasonable accommodation would exist. R. Clizbe stated exemptions were not necessary if the volunteer was not providing patient care. The board agreed with this. D. Moon restated that a non-vaccinated volunteer was to provide patient care, this would require an exemption approved, Covid-19 testing, temperature and masking. If a volunteer does not want to provide patient care, then the volunteer would be retained as firefighter only. Chairman Clizbe then requested input from Commissioner Galbraith. L. Galbraith posed the scenario of an unvaccinated volunteer responding to call in which required patient care involving smoke inhalation. At this junction does the volunteer provide care or stand aside and do nothing. Chief Johnson stated he believes the personnel will act when they see a need to act. What type a liability they place themselves, or the agency is like begging for forgiveness. Chief Johnson reassured the board that there is no doubt in his mind the personnel will do what they need to do. L. Galbraith stated this was the point of her comment and it is a risk to the department. L. Galbraith stated she also does not wish to lose volunteers with the options given to the volunteers to fill out the exemption form then following the weekly Covid-19 testing regimen deemed simple. This way the volunteer could provide the whole services to their community with firefighting and with patient care. Commissioner Moon replied that not all volunteers wish to provide patient care and wish to only fight fires, just the same as volunteers who only wish to provide patient care/EMS. Chief Johnson stated it was necessary to determine the definition of patient care as explained to the board. Patient care would be associated with any technical rescue. A discussion followed on several topics for EMT's being non-vaccinated and being on scene that did not include firefighting. As Chief Johnson points out to the board, not everyone can direct traffic, thus being a large operational impact to the department. Commissioner Moon stated this was a risk that was worth taking. D. Holliday mentioned the statement provided by K. Wesley as patient contact as being within the patient social distancing space. The board agreed with Commissioner Holliday. This lead then D. Holliday to referred to Governor Inslee's vaccine mandate as not providing care when not having the vaccination. The Chairman stated the board will be required to generate a policy. D. Holliday preference is to allow the volunteers to consciously object to the vaccine mandate thus providing the board with the numbers to be considered. R. Clizbe asked the Chief what the impact downside is to the vaccinate mandate in association to the volunteers. R. Clizbe stated his own personal note that he would hope to see all the personnel be vaccinated against the Corona Virus. The belief was unanimous by everyone on the board. The concern to the Chairman was if 15 volunteers were to walk out, and there happen to be another downtown fire, and the fire station was full of fire engines with no volunteers to operate them, and the board will have to answer to that. R. Clizbe stated he does not wish to create a hardship for the Fire Chief. Chief Johnson stated his operational impact would include State MOBE, DNR, DFW for starters, and it also creates an issue when sending staff on a grass truck to a neighboring agency as the ownership of land is unknown at the time. A firefighter only position impacts the department as it is not determined who or how many will show up on calls. The Chief gave

scenario which has been a reoccurring issue due to low staffing problems, is the assistance call to the local ambulance. The problem with going to a structure fire and locating a victim. The Fire Chief believe care would be provided and personnel would stand back and not provide help. That scenario will be decided by the board, which places the Fire Chief in a difficult spot in disciplining in that scenario. To discipline his staff doing the right thing. These would be impactful with LNI, and challenges. The Chief informs the board that dispatch calls could begin described as one thing, a once on scene that could very well change. Another scenario is they could be on scene, and volunteers are dispatched to a secondary call. The Chief describes how this impacts the department. The Fire Chief stresses to the board as it will be definitely a situation to which they all have to answer to is when there is a call such as breathing stoppage or another EMS call and only one person on that truck that day is vaccinated or is a reasonably accommodated responder, and why are 4 other people standing or sitting alongside the fire truck and only 1 person going to help an ill or injured person of the public. These things are to be considered when involving the firefighting only position. R. Clizbe stated that fire fighting is what the taxpayers' dollars are to be directed and focused by the board and department. The EMS/ Ambulance calls are something we provide support to. This service is secondary. The public is unclear on what their tax paying dollar services are primarily utilized for. The discussion moved forward into creating a policy for volunteer only and what that may detail. Such as mandatory testing and masks. D. Holliday stated the need to have a policy for everyone who is not vaccinated. Whether they are volunteer or paid staff. Volunteer can be non-vaccinated because of the loop pole the governor created. The paid staff can be exempted for medical or religious reasons. Those others who have chosen not to become vaccinated should have one policy. D. Moon stated repercussions to all to be in the policy such as termination for non-wearing of mask inside or while on calls as this is serious stuff. The policy should include per D. Holliday his company mandated any unvaccinated employee is to be tested 2 times a week. Testing once a week is very feasible. The board discusses with the Chief if it is possible do conduct Covid-19 testing on Wednesday evenings aka (Drill). L. Galbraith states she would administer Covid testing for the department if needed. L. Galbraith stated she is in agreeance to having a policy cover both exempt staff and volunteers are held to the same requirements. Many places offer Covid testing for non-vaccinated staff. D. Holliday states there is a concern that test kits and appointments will become less available as the mandate is being enforced. The Fire Chief describes how he is working on obtaining an inventory of testing kits right now. The Chief stated he could create a job description. Chairman Clizbe requests a policy would be his thoughts. D. Moon agrees. D. Holliday makes the motion that Chief Johnson create a policy around all unvaccinated personnel to include how WBFR will treat them from a mask perspective, testing perspective and a violation of the policy perspective. D. Moon added to the motion a temperature perspective. D. Moon seconded the motion. S. Williams asked if the policy was to include the exemptions and the exemption process, and it would not matter whether staff fight fires. All at once it was relayed that all unvaccinated whether you are fire fighter. To clarify the motion Fire Chief Johnson asks the board that staff seeking an exemption and working under certain protocols will still be able to provide patient care. D. Holliday stated the policy must include the fact they cannot provide patient care. R. Clizbe stated the policy will differ from paid staff vs volunteer. Per the Governor's mandate. Volunteers are totally separate. D. Holliday stated he had a motion on the floor. He out like to have more conversation relating to paid staff, as that falls under the reasonable accommodation. If they are granted a reasonable accommodation, then the board is obligated by EEOC to provide reasonable accommodation if this can be found. If accommodations cannot be found, then the employee will be on paid leave. D. Moon stated he remembers the conversation with K. Wesley stated with testing, masks, and temperatures one could provide patient care. L. Galbraith states she also remembers this conversation with K. Wesley. D. Holliday states that Inslee has made it clear that part of the proclamation states that volunteers who choose not to be

vaccinate must be removed from providing patient care. L. Galbraith clarifies with D. Holliday if this motion relates to paid staff. The motion will not include paid staff as they are to follow the governor's mandate. The board clarifies the difference in when speaking about vaccine mandating. Volunteer Staff vs the Paid Staff. Chief again clarifies how to create the policy. Further discussion follows. D. Holliday states he is amending his previous motion as follows: Create a policy for volunteer firefighters who are choosing not to become vaccinated and not electing to exercise an exemption based on religious or medical reasons. Chairman informs the board that Commissioner Holliday has a motion on the table. S. Williams seconded the motion. D. Holliday states that when paid and volunteer staff who apply for exemptions there needs to be a venting process. If there approved the Chief will determine if reasonable accommodation can be made. The Chief request a member of the board also be included in that meeting of the discussion for reasonable accommodations. S. Williams offers himself to attend those meetings. R. Clizbe states that bridge will be crossed when an exemption is submitted. Chief informs the board he has (3) exemptions submitted. The Chairman reminds the board that the motion on the table has been seconded, which D. Moon clarifies the motion covers everything but the exemptions. The motion carries. Further discussion was held on the exemption process and reasonable accommodation process of the conversation. The Chief refers to the documentation in process with Local Union 1052 and those guidelines. Does the board want to grant authority to the board representative and the Chief in the meeting to grant exemptions? D. Holliday sees two issues. Which is granting the exemption (Religious or Medical). D. Holliday sees that discussion taking place amongst the Chief and Kevin Wesley. D. Moon stated this needs to be brought back to the board and a lot of responsibility on one person. Initial process will be with S. Williams and the Chief without a decision made at that time. It will be two parts, once an exemption is received this should be an executive session between the board and K. Wesley and once Kevin is available the discussion could go into reasonable accommodation. Further opinions and thoughts were expressed. The Chief noted to the board K. Wesley may be difficult to schedule. L. Galbraith stated she feels it needs to be simple. Once exemption is submitted a simple process is to begin with Chief and board representative as well as emailing K. Wesley could provide an opinion. Chief reminded the board that the employee must request reasonable accommodation. The accommodations can be discussed in executive session or developed by S. Williams and the Chief to submit to the board in an executive session. The Chief stated that he has had more than a couple that are choosing to be vaccinated but they may miss the deadline. The Chief stated he does not wish to limit a person choice and he would request latitude on the Oct. 18th date in working toward finality. The board supports the Chief in his efforts to continue working the mandated timeline of the staff seeking to become fully vaccinated. Good of the order. The chief informed the board about the status for the commissioner's emails on the website and for the public to email the commissioners they will need to fill out a contact form on the website and this will be done through Yakindo. The commissioners are to respond to the email from Yakindo as this will add a security level. Next meeting to be on 9/21/2021.

ADJOURNMENT

With no further special business, Chairman Richard Clizbe adjourned the meeting at 7:55 p.m.

RICHARD CLIZBE, CHAIRMAN

The West Benton Regional Fire Authority's minutes are intended to be a reasonable summary of the RFA's governing board deliberations and actions. The Minutes are not a verbatim record of everything said at the meeting. The minutes include all actions taken by the West Benton Regional Fire Authority Board.

GAYLE CARRASCO, ADMINISTRATOR

